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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

Proceeding	91181621
Party	Defendant Les Pierres Stonedge Inc.
Correspondence Address	A. YATES DOWELL, III DOWELL & DOWELL 2111 EISENHOWER AVE STE 406 ALEXANDRIA, VA 22314-4679 UNITED STATES
Submission	Answer
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Date	01/31/2008
Attachments	Answer 91181621 - STONEDGE.pdf ( 8 pages )(757919 bytes )

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD**

StonCor Group, Inc.,	)	
	)	
Opposer,	)	
	)	Opposition No. 91181621
v.	)	
	)	Ser. No. 76650832
Les Pierres Stonedge Inc.,	)	
	)	
Applicant.	)	

**ANSWER**

Applicant, Les Pierres Stonedge Inc. (“Applicant”), through its undersigned attorneys, hereby answers the Notice of Opposition filed by Opposer, StonCor Group, Inc. (“Opposer”), filed in connection with the above-captioned opposition proceeding.

With respect to the preamble of the Notice of Opposition, Applicant denies that Opposer will be damaged by the registration of U.S. trademark application Ser. No. 76650832.

1. Applicant is without sufficient information to admit or deny the allegations of Paragraph 1 of the Notice of Opposition and, therefore, denies them.

2. Applicant is a corporation organized under the laws of Québec, Canada and has a place of business at 5200 Albert Millichamp, St-Hubert, Québec, J3Y 8X8, Canada. Applicant denies the remaining allegations of Paragraph 2 of the Notice of Opposition.

3. Applicant is without sufficient information to admit or deny the allegations of Paragraph 3 of the Notice of Opposition and, therefore, denies them.

4. Applicant is without sufficient information to admit or deny the allegations of Paragraph 4 of the Notice of Opposition and, therefore, denies them.

5. Applicant is without sufficient information to admit or deny the allegations of Paragraph 5 of the Notice of Opposition and, therefore, denies them.

6. Applicant admits that it filed United States Trademark Application Ser. No. 76650832 in an effort to register the mark STONEDGE in connection with “precast decorative stone”. Applicant is without sufficient information to admit or deny the remaining allegations of Paragraph 6 of the Notice of Opposition and, therefore, denies them.

7. Applicant is without sufficient information to admit or deny the allegations of Paragraph 7 of the Notice of Opposition and, therefore, denies them.

8. Applicant is without sufficient information to admit or deny the allegations of Paragraph 8 of the Notice of Opposition and, therefore, denies them.

9. Applicant is without sufficient information to admit or deny the allegations of Paragraph 9 of the Notice of Opposition and, therefore, denies them.

10. Denied.

11. Applicant is without sufficient information to admit or deny the allegations of Paragraph 11 of the Notice of Opposition and, therefore, denies them.

12. Applicant is without sufficient information to admit or deny the allegations of Paragraph 12 of the Notice of Opposition and, therefore, denies them.

13. Applicant is without sufficient information to admit or deny the allegations of Paragraph 13 of the Notice of Opposition and, therefore, denies them.

14. Applicant admits that it filed United States Trademark Application Ser. No. 76650832 in order to register the mark STONEDGE in connection with “precast decorative stone”. Applicant is without sufficient information to admit or deny the remaining allegations of Paragraph 14 of the Notice of Opposition and, therefore, denies them.

15. Applicant is without sufficient information to admit or deny the allegations of Paragraph 15 of the Notice of Opposition and, therefore, denies them.

16. Applicant is without sufficient information to admit or deny the allegations of Paragraph 16 of the Notice of Opposition and, therefore, denies them.

17. Applicant is without sufficient information to admit or deny the allegations of Paragraph 17 of the Notice of Opposition and, therefore, denies them.

18. Applicant admits that it filed United States Trademark Application Ser. No. 76650832 in order to register the mark STONEDGE in connection with “precast decorative stone”. Applicant is without sufficient information to admit or deny the remaining allegations of Paragraph 18 of the Notice of Opposition and, therefore, denies them.

19. Applicant is without sufficient information to admit or deny the allegations of Paragraph 19 of the Notice of Opposition and, therefore, denies them.

20. Applicant is without sufficient information to admit or deny the allegations of Paragraph 20 of the Notice of Opposition and, therefore, denies them.

21. Applicant is without sufficient information to admit or deny the allegations of Paragraph 21 of the Notice of Opposition and, therefore, denies them.

22. Applicant admits that it filed United States Trademark Application Ser. No. 76650832 in order to register the mark STONEDGE in connection with “precast decorative

stone”. Applicant is without sufficient information to admit or deny the remaining allegations of Paragraph 22 of the Notice of Opposition and, therefore, denies them.

23. Applicant is without sufficient information to admit or deny the allegations of Paragraph 23 of the Notice of Opposition and, therefore, denies them.

24. Applicant is without sufficient information to admit or deny the allegations of Paragraph 24 of the Notice of Opposition and, therefore, denies them.

25. Applicant is without sufficient information to admit or deny the allegations of Paragraph 25 of the Notice of Opposition and, therefore, denies them.

26. Applicant admits that it filed United States Trademark Application Ser. No. 76650832 in order to register the mark STONEDGE in connection with “precast decorative stone”. Applicant is without sufficient information to admit or deny the remaining allegations of Paragraph 26 of the Notice of Opposition and, therefore, denies them.

27. Applicant is without sufficient information to admit or deny the allegations of Paragraph 27 of the Notice of Opposition and, therefore, denies them.

28. Applicant is without sufficient information to admit or deny the allegations of Paragraph 28 of the Notice of Opposition and, therefore, denies them.

29. Applicant is without sufficient information to admit or deny the allegations of Paragraph 29 of the Notice of Opposition and, therefore, denies them.

30. Applicant admits that it filed United States Trademark Application Ser. No. 76650832 in an effort to register the mark STONEDGE in connection with “precast decorative stone”. Applicant is without sufficient information to admit or deny the remaining allegations of Paragraph 30 of the Notice of Opposition and, therefore, denies them.

31. Applicant is without sufficient information to admit or deny the allegations of Paragraph 31 of the Notice of Opposition and, therefore, denies them.

32. Applicant is without sufficient information to admit or deny the allegations of Paragraph 32 of the Notice of Opposition and, therefore, denies them.

33. Applicant is without sufficient information to admit or deny the allegations of Paragraph 33 of the Notice of Opposition and, therefore, denies them.

34. Denied.

35. Applicant admits that if United States Trademark Application Ser. No. 76650832 issues as a registration, the registration would be *prima facie* evidence of the validity of the registered mark and of the registration of the mark, of Applicant's ownership of the mark, and of Applicant's exclusive right to use the registered mark in commerce on or in connection with the goods or services specified in the registration subject to any conditions or limitations stated therein. Applicant, however, denies that the registration would damage Opposer and denies the remaining allegations of Paragraph 35 of the Notice of Opposition.

36. Applicant is without sufficient information to admit or deny the allegations of Paragraph 36 of the Notice of Opposition and, therefore, denies them.

37. Denied.

38. Applicant denies any and all allegations in Paragraph 38 of the Notice of Opposition and respectfully requests that the Notice of Opposition be denied.

39. Applicant denies that the documents attached to the Notice of Opposition show the current status of and title to the identified registrations. Applicant is without sufficient information to admit or deny the remaining allegations of Paragraph 39 of the Notice of

Opposition and, therefore, denies them.

### **AFFIRMATIVE DEFENSES**

Applicant asserts the following affirmative defenses.

#### **First Affirmative Defense**

14. Applicant alleges that there is no likelihood of confusion, mistake or deception due to the differences in sound, appearance and commercial impression between its mark and the marks asserted by Opposer.

#### **Second Affirmative Defense**

15. Upon information and belief, Opposer is precluded by the doctrine of laches from opposing the registration of United States Trademark Application Ser. No. 76650832.

#### **Third Affirmative Defense**

16. Upon information and belief, Opposer is precluded by the doctrine of acquiescence from opposing the registration of United States Trademark Application Ser. No. 76650832.

#### **Fourth Affirmative Defense**

17. Upon information and belief, Opposer is precluded by the doctrine of estoppel from opposing the registration of United States Trademark Application Ser. No. 76650832.

Applicant reserves the right to raise additional defenses as may become known during the discovery and/or testimony periods of the opposition.

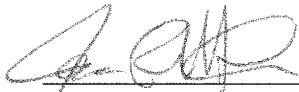
WHEREFORE, Applicant prays that the Notice of Opposition be immediately dismissed

with prejudice and that the opposed application be promptly registered.

Respectfully submitted,

Les Pierres Stonedge Inc.

By:

  
James R. Menker

Applicant's Attorneys

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### **CERTIFICATE OF SERVICE**

I hereby certify that a true and correct copy of the foregoing "ANSWER" was served on Opposer's attorney, Charles N Quinn of Fox Rothschild LLP with an address at 2000 Market Street, 10<sup>th</sup> Floor, Philadelphia, PA 19103-3291, via first class mail, postage prepaid, today January 31, 2008.

By:   
Laura K. Greer